

1-1 By: Zaffirini S.B. No. 1913
 1-2 (In the Senate - Filed March 10, 2017; March 23, 2017, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 24, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 6, Nays 0; April 24, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15			X	
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1913 By: Burton

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the administrative, civil, and criminal consequences,
 1-22 including fines, fees, and costs, imposed on persons arrested for,
 1-23 charged with, or convicted of certain criminal offenses.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Article 14.06(b), Code of Criminal Procedure, is
 1-26 amended to read as follows:

1-27 (b) A peace officer who is charging a person, including a
 1-28 child, with committing an offense that is a Class C misdemeanor,
 1-29 other than an offense under Section 49.02, Penal Code, may, instead
 1-30 of taking the person before a magistrate, issue a citation to the
 1-31 person that contains:

1-32 (1) written notice of the time and place the person
 1-33 must appear before a magistrate;

1-34 (2) [] the name and address of the person charged;

1-35 (3) [] the offense charged;

1-36 (4) information regarding the alternatives to the full
 1-37 payment of any fine or costs assessed against the person, if the
 1-38 person is convicted of the offense and is unable to pay that
 1-39 amount; [] and

1-40 (5) the following admonishment, in boldfaced or
 1-41 underlined type or in capital letters:

1-42 "If you are convicted of a misdemeanor offense involving
 1-43 violence where you are or were a spouse, intimate partner, parent,
 1-44 or guardian of the victim or are or were involved in another,
 1-45 similar relationship with the victim, it may be unlawful for you to
 1-46 possess or purchase a firearm, including a handgun or long gun, or
 1-47 ammunition, pursuant to federal law under 18 U.S.C. Section
 1-48 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any
 1-49 questions whether these laws make it illegal for you to possess or
 1-50 purchase a firearm, you should consult an attorney."

1-51 SECTION 2. Section 4(a), Article 17.42, Code of Criminal
 1-52 Procedure, is amended to read as follows:

1-53 (a) Except as otherwise provided by this subsection, if []
 1-54 a court releases an accused on personal bond on the recommendation
 1-55 of a personal bond office, the court shall assess a personal bond
 1-56 fee of \$20 or three percent of the amount of the bail fixed for the
 1-57 accused, whichever is greater. The court may waive the fee or
 1-58 assess a lesser fee if good cause is shown. A court that requires a
 1-59 defendant to give a personal bond under Article 45.016 may not
 1-60 assess a personal bond fee under this subsection.

2-1 SECTION 3. Article 27.14(b), Code of Criminal Procedure, is
 2-2 amended to read as follows:

2-3 (b) A defendant charged with a misdemeanor for which the
 2-4 maximum possible punishment is by fine only may, in lieu of the
 2-5 method provided in Subsection (a) [~~of this article~~], mail or
 2-6 deliver in person to the court a plea of "guilty" or a plea of "nolo
 2-7 contendere" and a waiver of jury trial. The defendant may also
 2-8 request in writing that the court notify the defendant, at the
 2-9 address stated in the request, of the amount of an appeal bond that
 2-10 the court will approve. If the court receives a plea and waiver
 2-11 before the time the defendant is scheduled to appear in court, the
 2-12 court shall dispose of the case without requiring a court
 2-13 appearance by the defendant. If the court receives a plea and
 2-14 waiver after the time the defendant is scheduled to appear in court
 2-15 but at least five business days before a scheduled trial date, the
 2-16 court shall dispose of the case without requiring a court
 2-17 appearance by the defendant. The court shall notify the defendant
 2-18 either in person or by certified mail, return receipt requested, of
 2-19 the amount of any fine or costs assessed in the case, information
 2-20 regarding the alternatives to the full payment of any fine or costs
 2-21 assessed against the defendant, if the defendant is unable to pay
 2-22 that amount, and, if requested by the defendant, the amount of an
 2-23 appeal bond that the court will approve. Except as otherwise
 2-24 provided by this code, the [~~The~~] defendant shall pay any fine or
 2-25 costs assessed or give an appeal bond in the amount stated in the
 2-26 notice before the 31st day after receiving the notice.

2-27 SECTION 4. Article 42.15, Code of Criminal Procedure, is
 2-28 amended by adding Subsection (a-1) and amending Subsection (b) to
 2-29 read as follows:

2-30 (a-1) Notwithstanding any other provision of this article,
 2-31 at the punishment stage in a case in which the defendant entered a
 2-32 plea in open court as provided by Article 27.13, 27.14(a), or
 2-33 27.16(a), a court may impose a fine and costs only if the court
 2-34 makes a determination that the defendant has sufficient resources
 2-35 or income to pay all or part of the fine and costs. In making that
 2-36 determination, the court shall consider the defendant's financial
 2-37 history and any other information relevant to the defendant's
 2-38 ability to pay.

2-39 (b) Subject to Subsections (c) and (d) and Article 43.091,
 2-40 when imposing a fine and costs, a court may direct a defendant:

2-41 (1) to pay the entire fine and costs when sentence is
 2-42 pronounced;

2-43 (2) to pay the entire fine and costs at some later
 2-44 date; or

2-45 (3) to pay a specified portion of the fine and costs at
 2-46 designated intervals.

2-47 SECTION 5. Article 43.05, Code of Criminal Procedure, is
 2-48 amended by adding Subsections (a-1) and (a-2) to read as follows:

2-49 (a-1) A court may not issue a capias pro fine for the
 2-50 defendant's failure to satisfy the judgment according to its terms
 2-51 unless the court holds a hearing on the defendant's ability to
 2-52 satisfy the judgment and:

2-53 (1) the defendant fails to appear at the hearing; or

2-54 (2) based on evidence presented at the hearing, the
 2-55 court makes a determination that:

2-56 (A) the defendant is not indigent and has failed
 2-57 to make a good faith effort to discharge the fine or costs; or

2-58 (B) the defendant is indigent and:

2-59 (i) has failed to make a good faith effort
 2-60 to discharge the fine or costs under Article 43.09(f); and

2-61 (ii) could have discharged the fine or
 2-62 costs under Article 43.09(f) without experiencing any undue
 2-63 hardship.

2-64 (a-2) The court shall recall a capias pro fine if, before
 2-65 the capias pro fine is executed, the defendant voluntarily appears
 2-66 to resolve the amount owed.

2-67 SECTION 6. Article 43.09, Code of Criminal Procedure, is
 2-68 amended by amending Subsections (a), (g), (h), (j), and (l) and
 2-69 adding Subsection (h-1) to read as follows:

3-1 (a) When a defendant is convicted of a misdemeanor and the
 3-2 defendant's [his] punishment is assessed at a pecuniary fine or is
 3-3 confined in a jail after conviction of a felony for which a fine is
 3-4 imposed, if the defendant [he] is unable to pay the fine and costs
 3-5 adjudged against the defendant [him], the defendant [he] may for
 3-6 such time as will satisfy the judgment be put to work in the county
 3-7 jail industries program, in the workhouse, or on the county farm, or
 3-8 public improvements and maintenance projects of the county or a
 3-9 political subdivision located in whole or in part in the county, as
 3-10 provided in Article 43.10 [the succeeding article]; or if there is
 3-11 [be] no such county jail industries program, workhouse, farm, or
 3-12 improvements and maintenance projects, the defendant [he] shall be
 3-13 confined in jail for a sufficient length of time to discharge the
 3-14 full amount of fine and costs adjudged against the defendant [him];
 3-15 rating such confinement at \$100 [50] for each day and rating such
 3-16 labor at \$100 [50] for each day; provided, however, that the
 3-17 defendant may pay the pecuniary fine assessed against the defendant
 3-18 [him] at any time while the defendant [he] is serving at work in the
 3-19 county jail industries program, in the workhouse, or on the county
 3-20 farm, or on the public improvements and maintenance projects of the
 3-21 county or a political subdivision located in whole or in part in the
 3-22 county, or while the defendant [he] is serving the defendant's
 3-23 [his] jail sentence, and in such instances the defendant is [he
 3-24 shall be] entitled to the credit [he has] earned under this
 3-25 subsection during the time that the defendant [he] has served and
 3-26 the defendant [he] shall only be required to pay the [his] balance
 3-27 of the pecuniary fine assessed against the defendant [him]. A
 3-28 defendant who performs labor under this article during a day in
 3-29 which the defendant [he] is confined is entitled to both the credit
 3-30 for confinement and the credit for labor provided by this article.

3-31 (g) In the court's [its] order requiring a defendant to
 3-32 perform [participate in] community service [work] under Subsection
 3-33 (f) [of this article], the court must specify:

3-34 (1) the number of hours of community service the
 3-35 defendant is required to perform [work]; [and]

3-36 (2) whether the community supervision and corrections
 3-37 department or a court-related services office will perform the
 3-38 administrative duties required by the placement of the defendant in
 3-39 the community service program; and

3-40 (3) the date by which the defendant must submit to the
 3-41 court documentation verifying the defendant's completion of the
 3-42 community service.

3-43 (h) The court may order the defendant to perform community
 3-44 service [work] under Subsection (f):

3-45 (1) by attending a work and job skills training
 3-46 program, preparatory class for the high school equivalency
 3-47 examination administered under Section 7.111, Education Code, or
 3-48 similar activity; or

3-49 (2) [of this article only] for:

3-50 (A) a governmental entity;

3-51 (B) [or] a nonprofit organization or another
 3-52 organization that provides services to the general public that
 3-53 enhance social welfare and the general well-being of the community,
 3-54 as determined by the court;

3-55 (C) a religious organization;

3-56 (D) a neighborhood association or group; or

3-57 (E) an educational institution.

3-58 (h-1) An [A governmental] entity [or nonprofit
 3-59 organization] that accepts a defendant under Subsection (f) [of
 3-60 this article] to perform community service must agree to supervise,
 3-61 either on-site or remotely, the defendant in the performance of the
 3-62 defendant's community service [work] and report on the defendant's
 3-63 community service [work] to the district probation department or
 3-64 court-related services office.

3-65 (j) A court may not order a defendant to perform more than 16
 3-66 hours per week of community service under Subsection (f) [of this
 3-67 article] unless the court determines that requiring the defendant
 3-68 to perform [work] additional hours does not impose an undue [work a]
 3-69 hardship on the defendant or the defendant's dependents.

4-1 (1) A sheriff, employee of a sheriff's department, county
4-2 commissioner, county employee, county judge, an employee of a
4-3 community corrections and supervision department, restitution
4-4 center, or officer or employee of a political subdivision other
4-5 than a county or an entity that accepts a defendant under this
4-6 article to perform community service is not liable for damages
4-7 arising from an act or failure to act in connection with manual
4-8 labor performed by an inmate or community service performed by a
4-9 defendant under ~~[pursuant to]~~ this article if the act or failure to
4-10 act:

4-11 (1) was performed pursuant to confinement or other
4-12 court order; and

4-13 (2) was not intentional, wilfully or wantonly
4-14 negligent, or performed with conscious indifference or reckless
4-15 disregard for the safety of others.

4-16 SECTION 7. Article 43.091, Code of Criminal Procedure, is
4-17 amended to read as follows:

4-18 Art. 43.091. WAIVER OF PAYMENT OF FINES AND COSTS FOR
4-19 CERTAIN ~~[INDIGENT]~~ DEFENDANTS AND FOR CHILDREN. A court may waive
4-20 payment of all or part of a fine or costs ~~[cost]~~ imposed on a
4-21 defendant ~~[who defaults in payment]~~ if the court determines:

4-22 (1) that:

4-23 (A) ~~[(1)]~~ the defendant is indigent or does not
4-24 have sufficient resources or income to pay all or part of the fine
4-25 or costs or was, at the time the offense was committed, a child as
4-26 defined by Article 45.058(h); and

4-27 (B) ~~[(2)]~~ each alternative method of discharging
4-28 the fine or cost under Article 43.09 or 42.15 would impose an undue
4-29 hardship on the defendant; or

4-30 (2) that the waiver is in the interest of justice.

4-31 SECTION 8. Article 45.014, Code of Criminal Procedure, is
4-32 amended by adding Subsections (e), (f), and (g) to read as follows:

4-33 (e) A justice or judge may not issue an arrest warrant for
4-34 the defendant's failure to appear, including failure to appear as
4-35 required by a citation issued under Article 14.06(b), unless:

4-36 (1) the justice or judge provides by telephone or
4-37 regular mail to the defendant notice that includes:

4-38 (A) a date and time, occurring within the 30-day
4-39 period following the date that notice is provided, when the
4-40 defendant must appear before the justice or judge;

4-41 (B) the name and address of the court with
4-42 jurisdiction in the case and a telephone number that the defendant
4-43 may use to request an alternative date or time under Subsection (f);

4-44 (C) information regarding alternatives to the
4-45 full payment of any fine or costs owed by the defendant, if the
4-46 defendant is unable to pay that amount; and

4-47 (D) an explanation of the consequences if the
4-48 defendant fails to appear before the justice or judge as required by
4-49 this article; and

4-50 (2) the defendant fails to appear before the justice
4-51 or judge as required by this article.

4-52 (f) A defendant who receives notice under Subsection (e) may
4-53 request an alternative date or time to appear before the justice or
4-54 judge if the defendant is unable to appear on the date and time
4-55 included in the notice.

4-56 (g) A justice or judge shall recall an arrest warrant for
4-57 the defendant's failure to appear if the defendant voluntarily
4-58 appears and makes a good faith effort to resolve the arrest warrant
4-59 before the warrant is executed.

4-60 SECTION 9. Article 45.016, Code of Criminal Procedure, is
4-61 amended to read as follows:

4-62 Art. 45.016. PERSONAL BOND; BAIL BOND. (a) The justice or
4-63 judge may require the defendant to give a personal bond ~~[bail]~~ to
4-64 secure the defendant's appearance in accordance with this code.

4-65 (b) The justice or judge may not, either instead of or in
4-66 addition to the personal bond, require a defendant to give a bail
4-67 bond, as defined by Article 17.02, or require a surety or other
4-68 security unless:

4-69 (1) the defendant fails to appear in accordance with

5-1 this code with respect to the applicable offense; and
 5-2 (2) the justice or judge determines that the defendant
 5-3 has sufficient resources or income to give a bail bond or that a
 5-4 surety or other security is necessary to secure the defendant's
 5-5 appearance in accordance with this code.

5-6 (c) If before the expiration of a 48-hour period following
 5-7 the issuance of the applicable order a defendant described by
 5-8 Subsections (b)(1) and (2) does not give a required bail bond, the
 5-9 justice or judge:

5-10 (1) shall reconsider the requirement for the defendant
 5-11 to give the bail bond and presume that the defendant does not have
 5-12 sufficient resources or income to give the bond; and

5-13 (2) may require the defendant to give a personal bond.

5-14 (d) If the defendant refuses to give a personal bond or,
 5-15 except as provided by Subsection (c), refuses or otherwise fails to
 5-16 give a bail bond, the defendant may be held in custody.

5-17 SECTION 10. Article 45.041, Code of Criminal Procedure, is
 5-18 amended by adding Subsection (a-1) and amending Subsection (b) to
 5-19 read as follows:

5-20 (a-1) Notwithstanding any other provision of this article,
 5-21 at the punishment stage in a case in which the defendant entered a
 5-22 plea in open court as provided by Article 27.14(a) or 27.16(a), the
 5-23 justice or judge may impose a fine and costs only if the justice or
 5-24 judge makes a determination that the defendant has sufficient
 5-25 resources or income to pay all or part of the fine and costs. In
 5-26 making that determination, the justice or judge shall consider the
 5-27 defendant's financial history and any other information relevant to
 5-28 the defendant's ability to pay.

5-29 (b) Subject to Subsections (b-2) and (b-3) and Article
 5-30 45.0491, the justice or judge may direct the defendant:

5-31 (1) to pay:

5-32 (A) the entire fine and costs when sentence is
 5-33 pronounced;

5-34 (B) the entire fine and costs at some later date;

5-35 or

5-36 (C) a specified portion of the fine and costs at
 5-37 designated intervals;

5-38 (2) if applicable, to make restitution to any victim
 5-39 of the offense; and

5-40 (3) to satisfy any other sanction authorized by law.

5-41 SECTION 11. Article 45.0425(a), Code of Criminal Procedure,
 5-42 is amended to read as follows:

5-43 (a) If the court from whose judgment and sentence the appeal
 5-44 is taken is in session, the court must approve the bail. The amount
 5-45 of an appeal [~~a bail~~] bond may not be less than two times the amount
 5-46 of the fine and costs adjudged against the defendant, payable to the
 5-47 State of Texas. The appeal bond [~~bail~~] may not in any case be for an
 5-48 amount [~~a sum~~] less than \$50. If the appeal bond otherwise meets
 5-49 the requirements of this code, the court without requiring a court
 5-50 appearance by the defendant shall approve the appeal bond in the
 5-51 amount the court under Article 27.14(b) notified the defendant
 5-52 would be approved.

5-53 SECTION 12. Article 45.045, Code of Criminal Procedure, is
 5-54 amended by adding Subsections (a-2) and (a-3) to read as follows:

5-55 (a-2) The court may not issue a capias pro fine for the
 5-56 defendant's failure to satisfy the judgment according to its terms
 5-57 unless the court holds a hearing on the defendant's ability to
 5-58 satisfy the judgment and:

5-59 (1) the defendant fails to appear at the hearing; or

5-60 (2) based on evidence presented at the hearing, the
 5-61 court makes a determination that:

5-62 (A) the defendant is not indigent and has failed
 5-63 to make a good faith effort to discharge the fine or costs; or

5-64 (B) the defendant is indigent and:

5-65 (i) has failed to make a good faith effort
 5-66 to discharge the fine or costs under Article 45.049; and

5-67 (ii) could have discharged the fine or
 5-68 costs under Article 45.049 without experiencing any undue hardship.

5-69 (a-3) The court shall recall a capias pro fine if, before

6-1 the capias pro fine is executed, the defendant voluntarily appears
 6-2 to resolve the amount owed.

6-3 SECTION 13. Article 45.046(a), Code of Criminal Procedure,
 6-4 is amended to read as follows:

6-5 (a) When a judgment and sentence have been entered against a
 6-6 defendant and the defendant defaults in the discharge of the
 6-7 judgment, the judge may order the defendant confined in jail until
 6-8 discharged by law if the judge at a hearing makes a written
 6-9 determination that:

6-10 (1) the defendant is not indigent and has failed to
 6-11 make a good faith effort to discharge the fine or ~~[and]~~ costs; or

6-12 (2) the defendant is indigent and:
 6-13 (A) has failed to make a good faith effort to
 6-14 discharge the fine or ~~[fines and]~~ costs under Article 45.049; and

6-15 (B) could have discharged the fine or ~~[fines and]~~
 6-16 costs under Article 45.049 without experiencing any undue hardship.

6-17 SECTION 14. Article 45.048, Code of Criminal Procedure, is
 6-18 amended to read as follows:

6-19 Art. 45.048. DISCHARGED FROM JAIL. (a) A defendant placed
 6-20 in jail on account of failure to pay the fine and costs shall be
 6-21 discharged on habeas corpus by showing that the defendant:

6-22 (1) is too poor to pay the fine and costs; or

6-23 (2) has remained in jail a sufficient length of time to
 6-24 satisfy the fine and costs, at the rate of not less than \$100 ~~[\$50]~~
 6-25 for each period ~~[of time]~~ served, as specified by the convicting
 6-26 court in the judgment in the case.

6-27 (b) A convicting court may specify a period ~~[of time]~~ that
 6-28 is not less than eight hours or more than 24 hours as the period for
 6-29 which a defendant who fails to pay the fine ~~[fines]~~ and costs in the
 6-30 case must remain in jail to satisfy \$100 ~~[\$50]~~ of the fine and
 6-31 costs.

6-32 SECTION 15. Article 45.049, Code of Criminal Procedure, is
 6-33 amended by amending Subsections (b), (c), (d), (e), (f), and (g) and
 6-34 adding Subsection (c-1) to read as follows:

6-35 (b) In the justice's or judge's order requiring a defendant
 6-36 to perform ~~[participate in]~~ community service ~~[work]~~ under this
 6-37 article, the justice or judge must specify:

6-38 (1) the number of hours of community service the
 6-39 defendant is required to perform; and

6-40 (2) the date by which the defendant must submit to the
 6-41 court documentation verifying the defendant's completion of the
 6-42 community service [work].

6-43 (c) The justice or judge may order the defendant to perform
 6-44 community service ~~[work]~~ under this article:

6-45 (1) by attending a work and job skills training
 6-46 program, a preparatory class for the high school equivalency
 6-47 examination administered under Section 7.111, Education Code, or
 6-48 similar activity; or

6-49 (2) [only] for:

6-50 (A) a governmental entity;

6-51 (B) [or] a nonprofit organization or another
 6-52 organization that provides services to the general public that
 6-53 enhance social welfare and the general well-being of the community,
 6-54 as determined by the justice or judge;

6-55 (C) a religious organization;

6-56 (D) a neighborhood association or group; or

6-57 (E) an educational institution.

6-58 (c-1) An [A governmental] entity [or nonprofit
 6-59 organization] that accepts a defendant under this article to
 6-60 perform community service must agree to supervise, either on-site
 6-61 or remotely, the defendant in the performance of the defendant's
 6-62 community service [work] and report on the defendant's community
 6-63 service [work] to the justice or judge who ordered the ~~[community]~~
 6-64 service.

6-65 (d) A justice or judge may not order a defendant to perform
 6-66 more than 16 hours per week of community service under this article
 6-67 unless the justice or judge determines that requiring the defendant
 6-68 to perform [work] additional hours does not impose an undue [work a]
 6-69 hardship on the defendant or the defendant's dependents.

7-1 (e) A defendant is considered to have discharged not less
7-2 than \$100 [~~\$50~~] of fines or costs for each eight hours of community
7-3 service performed under this article.

7-4 (f) A sheriff, employee of a sheriff's department, county
7-5 commissioner, county employee, county judge, justice of the peace,
7-6 municipal court judge, or officer or employee of a political
7-7 subdivision other than a county or an entity that accepts a
7-8 defendant under this article to perform community service is not
7-9 liable for damages arising from an act or failure to act in
7-10 connection with community service [~~manual labor~~] performed by a
7-11 defendant under this article if the act or failure to act:

- 7-12 (1) was performed pursuant to court order; and
- 7-13 (2) was not intentional, wilfully or wantonly
7-14 negligent, or performed with conscious indifference or reckless
7-15 disregard for the safety of others.

7-16 (g) This subsection applies only to a defendant who is
7-17 charged with a traffic offense or an offense under Section 106.05,
7-18 Alcoholic Beverage Code, and is a resident of this state. If under
7-19 Article 45.051(b)(10), Code of Criminal Procedure, the judge
7-20 requires the defendant to perform community service as a condition
7-21 of the deferral, the defendant is entitled to elect whether to
7-22 perform the required [~~governmental entity or nonprofit~~
7-23 ~~organization community~~] service in:

- 7-24 (1) the county in which the court is located; or
- 7-25 (2) the county in which the defendant resides, but
7-26 only if the applicable entity [~~or organization~~] agrees to:
 - 7-27 (A) supervise, either on-site or remotely, the
7-28 defendant in the performance of the defendant's community service
7-29 [~~work~~]; and
 - 7-30 (B) report to the court on the defendant's
7-31 community service [~~work~~].

7-32 SECTION 16. Article 45.0491, Code of Criminal Procedure, is
7-33 amended to read as follows:

7-34 Art. 45.0491. WAIVER OF PAYMENT OF FINES AND COSTS FOR
7-35 CERTAIN [~~INDIGENT~~] DEFENDANTS AND FOR CHILDREN. A municipal court,
7-36 regardless of whether the court is a court of record, or a justice
7-37 court may waive payment of all or part of a fine or costs imposed on
7-38 a defendant [~~who defaults in payment~~] if the court determines:

- 7-39 (1) that:
 - 7-40 (A) [~~(1)~~] the defendant is indigent or does not
7-41 have sufficient resources or income to pay all or part of the fine
7-42 or costs or was, at the time the offense was committed, a child as
7-43 defined by Article 45.058(h); and
 - 7-44 (B) [~~(2)~~] discharging the fine or [~~and~~] costs
7-45 under Article 45.049 or as otherwise authorized by this chapter
7-46 would impose an undue hardship on the defendant; or
 - 7-47 (2) that the waiver is in the interest of justice.

7-48 SECTION 17. The heading to Article 45.0492, Code of
7-49 Criminal Procedure, as added by Chapter 227 (H.B. 350), Acts of the
7-50 82nd Legislature, Regular Session, 2011, is amended to read as
7-51 follows:

7-52 Art. 45.0492. COMMUNITY SERVICE [~~OR TUTORING~~] IN
7-53 SATISFACTION OF FINE OR COSTS FOR CERTAIN JUVENILE DEFENDANTS.

7-54 SECTION 18. Article 45.0492, Code of Criminal Procedure, as
7-55 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
7-56 Regular Session, 2011, is amended by amending Subsections (b), (c),
7-57 (d), (f), (g), and (h) and adding Subsection (d-1) to read as
7-58 follows:

7-59 (b) A justice or judge may require a defendant described by
7-60 Subsection (a) to discharge all or part of the fine or costs by
7-61 performing community service [~~or attending a tutoring program that~~
7-62 ~~is satisfactory to the court~~]. A defendant may discharge an
7-63 obligation to perform community service [~~or attend a tutoring~~
7-64 ~~program~~] under this article by paying at any time the fine and costs
7-65 assessed.

7-66 (c) In the justice's or judge's order requiring a defendant
7-67 to perform [~~participate in~~] community service [~~work or a tutoring~~
7-68 ~~program~~] under this article, the justice or judge must specify:

- 7-69 (1) the number of hours of community service the

8-1 defendant is required to perform; and
 8-2 (2) the date by which the defendant must submit to the
 8-3 court documentation verifying the defendant's completion of the
 8-4 community service [work or attend tutoring].

8-5 (d) The justice or judge may order the defendant to perform
 8-6 community service [work] under this article:

8-7 (1) by attending a tutoring program, work and job
 8-8 skills training program, preparatory class for the high school
 8-9 equivalency examination administered under Section 7.111,
 8-10 Education Code, or similar activity; or

8-11 (2) [only] for:

8-12 (A) a governmental entity;

8-13 (B) [or] a nonprofit organization or another
 8-14 organization that provides services to the general public that
 8-15 enhance social welfare and the general well-being of the community,
 8-16 as determined by the justice or judge;

8-17 (C) a religious organization;

8-18 (D) a neighborhood association or group; or

8-19 (E) an educational institution.

8-20 (d-1) An [A governmental] entity [or nonprofit
 8-21 organization] that accepts a defendant under this article to
 8-22 perform community service must agree to supervise, either on-site
 8-23 or remotely, the defendant in the performance of the defendant's
 8-24 community service [work] and report on the defendant's community
 8-25 service [work] to the justice or judge who ordered the [community]
 8-26 service.

8-27 (f) A justice or judge may not order a defendant to perform
 8-28 more than 16 hours of community service per week [~~or attend more~~
 8-29 ~~than 16 hours of tutoring per week]~~ under this article unless the
 8-30 justice or judge determines that requiring the defendant to perform
 8-31 additional hours [~~of work or tutoring]~~ does not impose an undue
 8-32 [~~cause a~~] hardship on the defendant or the defendant's family. For
 8-33 purposes of this subsection, "family" has the meaning assigned by
 8-34 Section 71.003, Family Code.

8-35 (g) A defendant is considered to have discharged not less
 8-36 than \$100 [~~\$50]~~ of fines or costs for each eight hours of community
 8-37 service performed [~~or tutoring program attended]~~ under this
 8-38 article.

8-39 (h) A sheriff, employee of a sheriff's department, county
 8-40 commissioner, county employee, county judge, justice of the peace,
 8-41 municipal court judge, or officer or employee of a political
 8-42 subdivision other than a county or an entity that accepts a
 8-43 defendant under this article to perform community service [~~or~~
 8-44 ~~nonprofit organization, or tutoring program]~~ is not liable for
 8-45 damages arising from an act or failure to act in connection with
 8-46 community service [~~an activity]~~ performed by a defendant under this
 8-47 article if the act or failure to act:

8-48 (1) was performed pursuant to court order; and

8-49 (2) was not intentional, grossly negligent, or
 8-50 performed with conscious indifference or reckless disregard for the
 8-51 safety of others.

8-52 SECTION 19. Article 45.0492, Code of Criminal Procedure, as
 8-53 added by Chapter 777 (H.B. 1964), Acts of the 82nd Legislature,
 8-54 Regular Session, 2011, is amended by amending Subsections (c), (d),
 8-55 (e), and (f) and adding Subsections (d-1) and (h) to read as
 8-56 follows:

8-57 (c) In the justice's or judge's order requiring a defendant
 8-58 to perform community service under this article, the justice or
 8-59 judge shall specify:

8-60 (1) the number of hours of community service the
 8-61 defendant is required to perform, [~~and may]~~ not to exceed [~~order~~
 8-62 ~~more than]~~ 200 hours; and

8-63 (2) the date by which the defendant must submit to the
 8-64 court documentation verifying the defendant's completion of the
 8-65 community service.

8-66 (d) The justice or judge may order the defendant to perform
 8-67 community service [work] under this article:

8-68 (1) by attending a work and job skills training
 8-69 program, preparatory class for the high school equivalency

9-1 examination administered under Section 7.111, Education Code, or
9-2 similar activity; or

- 9-3 (2) [only] for:
- 9-4 (A) a governmental entity;
- 9-5 (B) [~~or~~] a nonprofit organization or another
9-6 organization that provides services to the general public that
9-7 enhance social welfare and the general well-being of the community,
9-8 as determined by the justice or judge;
- 9-9 (C) a religious organization;
- 9-10 (D) a neighborhood association or group; or
- 9-11 (E) an educational institution.

9-12 (d-1) An [A ~~governmental~~] entity [~~or nonprofit~~
9-13 organization] that accepts a defendant under this article to
9-14 perform community service must agree to supervise, either on-site
9-15 or remotely, the defendant in the performance of the defendant's
9-16 community service [work] and report on the defendant's community
9-17 service [work] to the justice or judge who ordered the [community]
9-18 service.

9-19 (e) A justice or judge may not order a defendant to perform
9-20 more than 16 hours of community service per week under this article
9-21 unless the justice or judge determines that requiring the defendant
9-22 to perform additional hours [~~of work~~] does not impose an undue
9-23 [~~cause a~~] hardship on the defendant or the defendant's family. For
9-24 purposes of this subsection, "family" has the meaning assigned by
9-25 Section 71.003, Family Code.

9-26 (f) A sheriff, employee of a sheriff's department, county
9-27 commissioner, county employee, county judge, justice of the peace,
9-28 municipal court judge, or officer or employee of a political
9-29 subdivision other than a county or an entity that accepts a
9-30 defendant under this article to perform community service is not
9-31 liable for damages arising from an act or failure to act in
9-32 connection with community service performed by a defendant under
9-33 this article if the act or failure to act:

- 9-34 (1) was performed pursuant to court order; and
- 9-35 (2) was not intentional, wilfully or wantonly
9-36 negligent, or performed with conscious indifference or reckless
9-37 disregard for the safety of others.

9-38 (h) A defendant is considered to have discharged not less
9-39 than \$100 of fines or costs for each eight hours of community
9-40 service performed under this article.

9-41 SECTION 20. Article 103.0031(j), Code of Criminal
9-42 Procedure, is amended to read as follows:

9-43 (j) A communication to the accused person regarding the
9-44 amount of payment that is acceptable to the court under the court's
9-45 standard policy for resolution of a case must include:

- 9-46 (1) a notice of the person's right to enter a plea or go
9-47 to trial on any offense charged; and
- 9-48 (2) a statement that, if the person is unable to pay
9-49 the full amount of payment that is acceptable to the court, the
9-50 person should contact the court regarding the alternatives to full
9-51 payment that are available to resolve the case.

9-52 SECTION 21. Section 102.0212, Government Code, is amended
9-53 to read as follows:

9-54 Sec. 102.0212. COURT COSTS ON CONVICTION: LOCAL GOVERNMENT
9-55 CODE. A person convicted of an offense shall pay the following
9-56 under the Local Government Code, in addition to all other costs:

- 9-57 (1) court costs on conviction of a felony (Sec.
9-58 133.102, Local Government Code) . . . \$133;
- 9-59 (2) court costs on conviction of a Class A or Class B
9-60 misdemeanor (Sec. 133.102, Local Government Code) . . . \$83;
- 9-61 (3) court costs on conviction of a nonjailable
9-62 misdemeanor offense, including a criminal violation of a municipal
9-63 ordinance, other than a conviction of an offense relating to a
9-64 pedestrian or the parking of a motor vehicle (Sec. 133.102, Local
9-65 Government Code) . . . \$40;

9-66 (4) [~~a time payment fee if convicted of a felony or~~
9-67 ~~misdemeanor for paying any part of a fine, court costs, or~~
9-68 ~~restitution on or after the 31st day after the date on which a~~
9-69 ~~judgment is entered assessing the fine, court costs, or restitution~~

10-1 ~~(Sec. 133.103, Local Government Code) . . . \$25;~~
10-2 [~~5~~] a cost on conviction of any offense, other than
10-3 an offense relating to a pedestrian or the parking of a motor
10-4 vehicle (Sec. 133.105, Local Government Code) . . . \$6; and
10-5 (5) [~~6~~] a cost on conviction of any offense, other
10-6 than an offense relating to a pedestrian or the parking of a motor
10-7 vehicle (Sec. 133.107, Local Government Code) . . . \$2.
10-8 SECTION 22. Section 103.021, Government Code, is amended to
10-9 read as follows:
10-10 Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR
10-11 CIVIL CASES: CODE OF CRIMINAL PROCEDURE. An accused or defendant,
10-12 or a party to a civil suit, as applicable, shall pay the following
10-13 fees and costs under the Code of Criminal Procedure if ordered by
10-14 the court or otherwise required:
10-15 (1) a personal bond fee (Art. 17.42, Code of Criminal
10-16 Procedure) . . . the greater of \$20 or three percent of the amount
10-17 of the bail fixed for the accused;
10-18 (2) cost of electronic monitoring as a condition of
10-19 release on personal bond (Art. 17.43, Code of Criminal Procedure)
10-20 . . . actual cost;
10-21 (3) a fee for verification of and monitoring of motor
10-22 vehicle ignition interlock (Art. 17.441, Code of Criminal
10-23 Procedure) . . . not to exceed \$10;
10-24 (3-a) costs associated with operating a global
10-25 positioning monitoring system as a condition of release on bond
10-26 (Art. 17.49(b)(2), Code of Criminal Procedure) . . . actual costs,
10-27 subject to a determination of indigency;
10-28 (3-b) costs associated with providing a defendant's
10-29 victim with an electronic receptor device as a condition of the
10-30 defendant's release on bond (Art. 17.49(b)(3), Code of Criminal
10-31 Procedure) . . . actual costs, subject to a determination of
10-32 indigency;
10-33 (4) repayment of reward paid by a crime stoppers
10-34 organization on conviction of a felony (Art. 37.073, Code of
10-35 Criminal Procedure) . . . amount ordered;
10-36 (5) reimbursement to general revenue fund for payments
10-37 made to victim of an offense as condition of community supervision
10-38 (Chapter 42A, Code of Criminal Procedure) . . . not to exceed \$50
10-39 for a misdemeanor offense or \$100 for a felony offense;
10-40 (6) payment to a crime stoppers organization as
10-41 condition of community supervision (Chapter 42A, Code of Criminal
10-42 Procedure) . . . not to exceed \$50;
10-43 (7) children's advocacy center fee (Chapter 42A, Code
10-44 of Criminal Procedure) . . . not to exceed \$50;
10-45 (8) family violence center fee (Chapter 42A, Code of
10-46 Criminal Procedure) . . . \$100;
10-47 (9) community supervision fee (Chapter 42A, Code of
10-48 Criminal Procedure) . . . not less than \$25 or more than \$60 per
10-49 month;
10-50 (10) additional community supervision fee for certain
10-51 offenses (Chapter 42A, Code of Criminal Procedure) . . . \$5 per
10-52 month;
10-53 (11) for certain financially able sex offenders as a
10-54 condition of community supervision, the costs of treatment,
10-55 specialized supervision, or rehabilitation (Chapter 42A, Code of
10-56 Criminal Procedure) . . . all or part of the reasonable and
10-57 necessary costs of the treatment, supervision, or rehabilitation as
10-58 determined by the judge;
10-59 (12) fee for failure to appear for trial in a justice
10-60 or municipal court if a jury trial is not waived (Art. 45.026, Code
10-61 of Criminal Procedure) . . . costs incurred for impaneling the
10-62 jury;
10-63 (13) costs of certain testing, assessments, or
10-64 programs during a deferral period (Art. 45.051, Code of Criminal
10-65 Procedure) . . . amount ordered;
10-66 (14) special expense on dismissal of certain
10-67 misdemeanor complaints (Art. 45.051, Code of Criminal Procedure)
10-68 . . . not to exceed amount of fine assessed;
10-69 (15) an additional fee:

11-1 (A) for a copy of the defendant's driving record
11-2 to be requested from the Department of Public Safety by the judge
11-3 (Art. 45.0511(c-1), Code of Criminal Procedure) . . . amount equal
11-4 to the sum of the fee established by Section 521.048,
11-5 Transportation Code, and the state electronic Internet portal fee;
11-6 (B) as an administrative fee for requesting a
11-7 driving safety course or a course under the motorcycle operator
11-8 training and safety program for certain traffic offenses to cover
11-9 the cost of administering the article (Art. 45.0511(f)(1), Code of
11-10 Criminal Procedure) . . . not to exceed \$10; or
11-11 (C) for requesting a driving safety course or a
11-12 course under the motorcycle operator training and safety program
11-13 before the final disposition of the case (Art. 45.0511(f)(2), Code
11-14 of Criminal Procedure) . . . not to exceed the maximum amount of the
11-15 fine for the offense committed by the defendant;
11-16 (16) a request fee for teen court program (Art.
11-17 45.052, Code of Criminal Procedure) . . . \$20, if the court
11-18 ordering the fee is located in the Texas-Louisiana border region,
11-19 but otherwise not to exceed \$10;
11-20 (17) a fee to cover costs of required duties of teen
11-21 court (Art. 45.052, Code of Criminal Procedure) . . . \$20, if the
11-22 court ordering the fee is located in the Texas-Louisiana border
11-23 region, but otherwise \$10;
11-24 (18) a mileage fee for officer performing certain
11-25 services (Art. 102.001, Code of Criminal Procedure) . . . \$0.15 per
11-26 mile;
11-27 (19) certified mailing of notice of hearing date (Art.
11-28 102.006, Code of Criminal Procedure) . . . \$1, plus postage;
11-29 (20) certified mailing of certified copies of an order
11-30 of expunction (Art. 102.006, Code of Criminal Procedure) . . . \$2,
11-31 plus postage;
11-32 (20-a) a fee to defray the cost of notifying state
11-33 agencies of orders of expungement (Art. 45.0216, Code of Criminal
11-34 Procedure) . . . \$30 per application;
11-35 (21) sight orders:
11-36 (A) if the face amount of the check or sight order
11-37 does not exceed \$10 (Art. 102.007, Code of Criminal Procedure)
11-38 . . . not to exceed \$10;
11-39 (B) if the face amount of the check or sight order
11-40 is greater than \$10 but does not exceed \$100 (Art. 102.007, Code of
11-41 Criminal Procedure) . . . not to exceed \$15;
11-42 (C) if the face amount of the check or sight order
11-43 is greater than \$100 but does not exceed \$300 (Art. 102.007, Code of
11-44 Criminal Procedure) . . . not to exceed \$30;
11-45 (D) if the face amount of the check or sight order
11-46 is greater than \$300 but does not exceed \$500 (Art. 102.007, Code of
11-47 Criminal Procedure) . . . not to exceed \$50; and
11-48 (E) if the face amount of the check or sight order
11-49 is greater than \$500 (Art. 102.007, Code of Criminal Procedure)
11-50 . . . not to exceed \$75;
11-51 (22) fees for a pretrial intervention program:
11-52 (A) a supervision fee (Art. 102.012(a), Code of
11-53 Criminal Procedure) . . . \$60 a month plus expenses; and
11-54 (B) a district attorney, criminal district
11-55 attorney, or county attorney administrative fee (Art. 102.0121,
11-56 Code of Criminal Procedure) . . . not to exceed \$500;
11-57 (23) parking fee violations for child safety fund in
11-58 municipalities with populations:
11-59 (A) greater than 850,000 (Art. 102.014, Code of
11-60 Criminal Procedure) . . . not less than \$2 and not to exceed \$5; and
11-61 (B) less than 850,000 (Art. 102.014, Code of
11-62 Criminal Procedure) . . . not to exceed \$5;
11-63 (24) ~~[an administrative fee for collection of fines,
11-64 fees, restitution, or other costs (Art. 102.072, Code of Criminal
11-65 Procedure) . . . not to exceed \$2 for each transaction,~~
11-66 ~~[-25-]~~ a collection fee, if authorized by the
11-67 commissioners court of a county or the governing body of a
11-68 municipality, for certain debts and accounts receivable, including
11-69 unpaid fines, fees, court costs, forfeited bonds, and restitution

12-1 ordered paid (Art. 103.0031, Code of Criminal Procedure) . . . 30
12-2 percent of an amount more than 60 days past due; and
12-3 (25) [~~(26)~~] a cost on conviction for the truancy
12-4 prevention and diversion fund (Art. 102.015, Code of Criminal
12-5 Procedure) . . . \$2.

12-6 SECTION 23. Section 133.003, Local Government Code, is
12-7 amended to read as follows:

12-8 Sec. 133.003. CRIMINAL FEES. This chapter applies to the
12-9 following criminal fees:

12-10 (1) the consolidated fee imposed under Section
12-11 133.102;

12-12 (2) [~~the time payment fee imposed under Section~~
12-13 ~~133.103,~~

12-14 [~~(3)~~] fees for services of peace officers employed by
12-15 the state imposed under Article 102.011, Code of Criminal
12-16 Procedure, and forwarded to the comptroller as provided by Section
12-17 133.104;

12-18 (3) [~~(4)~~] costs on conviction imposed in certain
12-19 statutory county courts under Section 51.702, Government Code, and
12-20 deposited in the judicial fund;

12-21 (4) [~~(5)~~] costs on conviction imposed in certain
12-22 county courts under Section 51.703, Government Code, and deposited
12-23 in the judicial fund;

12-24 (5) [~~(6)~~] the administrative fee for failure to appear
12-25 or failure to pay or satisfy a judgment imposed under Section
12-26 706.006, Transportation Code;

12-27 (6) [~~(7)~~] fines on conviction imposed under Section
12-28 621.506(g), Transportation Code;

12-29 (7) [~~(8)~~] the fee imposed under Article 102.0045, Code
12-30 of Criminal Procedure;

12-31 (8) [~~(9)~~] the cost on conviction imposed under Section
12-32 133.105 and deposited in the judicial fund; and

12-33 (9) [~~(10)~~] the cost on conviction imposed under
12-34 Section 133.107.

12-35 SECTION 24. Section 502.010, Transportation Code, is
12-36 amended by amending Subsections (a) and (c) and adding Subsections
12-37 (b-1), (i), and (j) to read as follows:

12-38 (a) Except as otherwise provided by this section, a [A]
12-39 county assessor-collector or the department may refuse to register
12-40 a motor vehicle if the assessor-collector or the department
12-41 receives information that the owner of the vehicle:

12-42 (1) owes the county money for a fine, fee, or tax that
12-43 is past due; or

12-44 (2) failed to appear in connection with a complaint,
12-45 citation, information, or indictment in a court in the county in
12-46 which a criminal proceeding is pending against the owner.

12-47 (b-1) Information that is provided to make a determination
12-48 under Subsection (a)(1) and that concerns the past due status of a
12-49 fine or fee imposed for a criminal offense and owed to the county
12-50 expires on the second anniversary of the date the information was
12-51 provided and may not be used to refuse registration after that date.
12-52 Once information about a past due fine or fee is provided under
12-53 Subsection (b), subsequent information about other fines or fees
12-54 that are imposed for a criminal offense and that become past due
12-55 before the second anniversary of the date the initial information
12-56 was provided may not be used, either before or after the second
12-57 anniversary of that date, to refuse registration under this section
12-58 unless the motor vehicle is no longer subject to refusal of
12-59 registration because of notice received under Subsection (c).

12-60 (c) A county that has a contract under Subsection (b) shall
12-61 notify the department regarding a person for whom the county
12-62 assessor-collector or the department has refused to register a
12-63 motor vehicle on:

12-64 (1) the person's payment or other means of discharge,
12-65 including a waiver, of the past due fine, fee, or tax; or

12-66 (2) perfection of an appeal of the case contesting
12-67 payment of the fine, fee, or tax.

12-68 (i) A municipal court judge or justice of the peace who has
12-69 jurisdiction over the underlying offense may waive an additional

13-1 fee imposed under Subsection (f) if the judge or justice makes a
13-2 finding that the defendant is economically unable to pay the fee or
13-3 that good cause exists for the waiver.

13-4 (j) If a county assessor-collector is notified that the
13-5 court having jurisdiction over the underlying offense has waived
13-6 the past due fine or fee due to the defendant's indigency, the
13-7 county may not impose an additional fee on the defendant under
13-8 Subsection (f).

13-9 SECTION 25. Section 502.010(f), Transportation Code, as
13-10 amended by Chapters 1094 (S.B. 1386) and 1296 (H.B. 2357), Acts of
13-11 the 82nd Legislature, Regular Session, 2011, is reenacted and
13-12 amended to read as follows:

13-13 (f) Except as otherwise provided by this section, a [A]
13-14 county that has a contract under Subsection (b) may impose an
13-15 additional fee of \$20 to:

13-16 (1) a person who fails to pay a fine, fee, or tax to the
13-17 county by the date on which the fine, fee, or tax is due; or

13-18 (2) a person who fails to appear in connection with a
13-19 complaint, citation, information, or indictment in a court in which
13-20 a criminal proceeding is pending against the owner. ~~[The~~
13-21 ~~additional fee may be used only to reimburse the department or the~~
13-22 ~~county for its expenses for providing services under the contract.]~~

13-23 SECTION 26. Section 706.005, Transportation Code, is
13-24 amended to read as follows:

13-25 Sec. 706.005. CLEARANCE NOTICE TO DEPARTMENT. (a) A
13-26 political subdivision shall immediately notify the department that
13-27 there is no cause to continue to deny renewal of a person's driver's
13-28 license based on the person's previous failure to appear or failure
13-29 to pay or satisfy a judgment ordering the payment of a fine and cost
13-30 in the manner ordered by the court in a matter involving an offense
13-31 described by Section 706.002(a), on payment of a fee as provided by
13-32 Section 706.006 and:

13-33 (1) the perfection of an appeal of the case for which
13-34 the warrant of arrest was issued or judgment arose;

13-35 (2) the dismissal of the charge for which the warrant
13-36 of arrest was issued or judgment arose, other than a dismissal with
13-37 prejudice by the appropriate prosecuting attorney for lack of
13-38 evidence;

13-39 (3) the posting of bond or the giving of other security
13-40 to reinstate the charge for which the warrant was issued;

13-41 (4) the payment or discharge of the fine and cost owed
13-42 on an outstanding judgment of the court; or

13-43 (5) other suitable arrangement to pay the fine and
13-44 cost within the court's discretion.

13-45 (b) The department may not continue to deny the renewal of
13-46 the person's driver's license under this chapter after the
13-47 department receives notice:

13-48 (1) under Subsection (a);

13-49 (2) that the person was acquitted of the charge on
13-50 which the person failed to appear;

13-51 (3) that the charge on which the person failed to
13-52 appear was dismissed with prejudice by the appropriate prosecuting
13-53 attorney for lack of evidence; or

13-54 (4) ~~(3)~~ from the political subdivision that the
13-55 failure to appear report or court order to pay a fine or cost
13-56 relating to the person:

13-57 (A) was sent to the department in error; or

13-58 (B) has been destroyed in accordance with the
13-59 political subdivision's records retention policy.

13-60 SECTION 27. Section 706.006, Transportation Code, is
13-61 amended by amending Subsections (a) and (b) and adding Subsections
13-62 (a-1) and (d) to read as follows:

13-63 (a) Except as provided by Subsection (d), a [A] person who
13-64 fails to appear for a complaint or citation for an offense described
13-65 by Section 706.002(a) shall be required to pay an administrative
13-66 fee of \$30 for each complaint or citation reported to the department
13-67 under this chapter, unless:

13-68 (1) the person is acquitted of the charges for which
13-69 the person failed to appear;

14-1 (2) the charges on which the person failed to appear
 14-2 were dismissed with prejudice by the appropriate prosecuting
 14-3 attorney for lack of evidence;

14-4 (3) the failure to appear report was sent to the
 14-5 department in error; or

14-6 (4) the case regarding the complaint or citation is
 14-7 closed and the failure to appear report has been destroyed in
 14-8 accordance with the applicable political subdivision's record
 14-9 retention policy.

14-10 (a-1) A [The] person who is required to pay a fee under
 14-11 Subsection (a) shall pay the fee when:

14-12 (1) the court enters judgment on the underlying
 14-13 offense reported to the department;

14-14 (2) the underlying offense is dismissed, other than a
 14-15 dismissal described by Subsection (a)(2); or

14-16 (3) bond or other security is posted to reinstate the
 14-17 charge for which the warrant was issued.

14-18 (b) Except as provided by Subsection (d), a [A] person who
 14-19 fails to pay or satisfy a judgment ordering the payment of a fine
 14-20 and cost in the manner the court orders shall be required to pay an
 14-21 administrative fee of \$30.

14-22 (d) If the court having jurisdiction over the underlying
 14-23 offense makes a finding that the person is indigent, the person may
 14-24 not be required to pay an administrative fee under this section.
 14-25 For purposes of this subsection, a person is presumed to be indigent
 14-26 if the person:

14-27 (1) is required to attend school full time under
 14-28 Section 25.085, Education Code;

14-29 (2) is a member of a household with a total annual
 14-30 income that is below 125 percent of the applicable income level
 14-31 established by the federal poverty guidelines; or

14-32 (3) receives assistance from:
 14-33 (A) the financial assistance program established
 14-34 under Chapter 31, Human Resources Code;

14-35 (B) the medical assistance program under Chapter
 14-36 32, Human Resources Code;

14-37 (C) the supplemental nutrition assistance
 14-38 program established under Chapter 33, Human Resources Code;

14-39 (D) the federal special supplemental nutrition
 14-40 program for women, infants, and children authorized by 42 U.S.C.
 14-41 Section 1786; or

14-42 (E) the child health plan program under Chapter
 14-43 62, Health and Safety Code.

14-44 SECTION 28. Section 708.152(b), Transportation Code, is
 14-45 amended to read as follows:

14-46 (b) A license suspended under this section remains
 14-47 suspended until the earlier of:

14-48 (1) the date the person pays the amount of the
 14-49 surcharge and any related costs; or

14-50 (2) the second anniversary of the date of suspension.

14-51 SECTION 29. Section 708.154(c), Transportation Code, is
 14-52 amended to read as follows:

14-53 (c) A license suspended under this section remains
 14-54 suspended until the earlier of:

14-55 (1) the date the person pays the amount of the
 14-56 surcharge and any related costs; or

14-57 (2) the second anniversary of the date of suspension.

14-58 SECTION 30. Section 708.158, Transportation Code, is
 14-59 amended to read as follows:

14-60 Sec. 708.158. INDIGENT STATUS AND REDUCTION OF SURCHARGES.

14-61 (a) If the court having jurisdiction over an offense with respect
 14-62 to which a fine and cost were imposed makes a finding that the
 14-63 person is economically unable to pay the fine and cost, the [The]
 14-64 department shall waive all surcharges assessed under this chapter
 14-65 for the [a] person [who is indigent. For the purposes of this
 14-66 section, a person is considered to be indigent if the person
 14-67 provides the evidence described by Subsection (b) to the court].

14-68 (b) A person must provide information to the court in which
 14-69 the person is convicted of the offense that is the basis for the

15-1 surcharge to establish that the person is economically unable to
 15-2 pay the fine and cost [indigent]. The following documentation may
 15-3 be used as proof:

15-4 (1) a copy of the person's most recent federal income
 15-5 tax return that shows that the person's income or the person's
 15-6 household income does not exceed 125 percent of the applicable
 15-7 income level established by the federal poverty guidelines;

15-8 (2) a copy of the person's most recent statement of
 15-9 wages that shows that the person's income or the person's household
 15-10 income does not exceed 125 percent of the applicable income level
 15-11 established by the federal poverty guidelines; or

15-12 (3) documentation from a federal agency, state agency,
 15-13 or school district that indicates that the person or, if the person
 15-14 is a dependent as defined by Section 152, Internal Revenue Code of
 15-15 1986, the taxpayer claiming the person as a dependent, receives
 15-16 assistance from:

15-17 (A) the food stamp program or the financial
 15-18 assistance program established under Chapter 31, Human Resources
 15-19 Code;

15-20 (B) the federal special supplemental nutrition
 15-21 program for women, infants, and children authorized by 42 U.S.C.
 15-22 Section 1786;

15-23 (C) the medical assistance program under Chapter
 15-24 32, Human Resources Code;

15-25 (D) the child health plan program under Chapter
 15-26 62, Health and Safety Code; or

15-27 (E) the national free or reduced-price lunch
 15-28 program established under 42 U.S.C. Section 1751 et seq.

15-29 (c) Not later than the fifth day after the date the court
 15-30 receives information described by Subsection (b) establishing that
 15-31 a person is economically unable to pay a fine or cost, the court
 15-32 shall notify the department of the court's finding under this
 15-33 section.

15-34 SECTION 31. The following provisions are repealed:

15-35 (1) Article 102.072, Code of Criminal Procedure;

15-36 (2) Article 45.0492(e), Code of Criminal Procedure, as
 15-37 added by Chapter 227 (H.B. 350), Acts of the 82nd Legislature,
 15-38 Regular Session, 2011; and

15-39 (3) Section 133.103, Local Government Code.

15-40 SECTION 32. The changes in law made by this Act to Articles
 15-41 14.06 and 27.14, Code of Criminal Procedure, and Sections 502.010
 15-42 and 708.158 and Chapter 706, Transportation Code, apply only to an
 15-43 offense committed on or after the effective date of this Act. An
 15-44 offense committed before the effective date of this Act is governed
 15-45 by the law in effect on the date the offense was committed, and the
 15-46 former law is continued in effect for that purpose. For purposes of
 15-47 this section, an offense was committed before the effective date of
 15-48 this Act if any element of the offense occurred before that date.

15-49 SECTION 33. The changes in law made by this Act to Articles
 15-50 42.15, 43.09, 43.091, 45.014, 45.041, 45.046, 45.049, and 45.0491,
 15-51 Code of Criminal Procedure, and Articles 45.0492, Code of Criminal
 15-52 Procedure, as added by Chapter 227 (H.B. 350), Acts of the 82nd
 15-53 Legislature, Regular Session, 2011, and 45.0492, Code of Criminal
 15-54 Procedure, as added by Chapter 777 (H.B. 1964), Acts of the 82nd
 15-55 Legislature, Regular Session, 2011, apply to a sentencing
 15-56 proceeding that commences before, on, or after the effective date
 15-57 of this Act.

15-58 SECTION 34. The change in law made by this Act to Articles
 15-59 43.05 and 45.045, Code of Criminal Procedure, applies only to a
 15-60 capias pro fine issued on or after the effective date of this Act. A
 15-61 capias pro fine issued before the effective date of this Act is
 15-62 governed by the law in effect on the date the capias pro fine was
 15-63 issued, and the former law is continued in effect for that purpose.

15-64 SECTION 35. The changes in law made by this Act to Article
 15-65 45.016, Code of Criminal Procedure, apply only to a bond executed on
 15-66 or after the effective date of this Act. A bond executed before the
 15-67 effective date of this Act is governed by the law in effect when the
 15-68 bond was executed, and the former law is continued in effect for
 15-69 that purpose.

16-1 SECTION 36. The change in law made by this Act to Article
16-2 45.048, Code of Criminal Procedure, applies to a defendant who is
16-3 placed in jail on or after the effective date of this Act for
16-4 failure to pay the fine and costs imposed on conviction of an
16-5 offense, regardless of whether the offense for which the defendant
16-6 was convicted was committed before, on, or after the effective date
16-7 of this Act.

16-8 SECTION 37. The repeal by this Act of Article 102.072, Code
16-9 of Criminal Procedure, applies only to a transaction that occurs on
16-10 or after the effective date of this Act. A transaction that occurs
16-11 before the effective date of this Act is governed by the law in
16-12 effect on the date the transaction occurred, and the former law is
16-13 continued in effect for that purpose.

16-14 SECTION 38. The repeal by this Act of Section 133.103, Local
16-15 Government Code, does not apply to an offense committed before the
16-16 effective date of this Act. An offense committed before the
16-17 effective date of this Act is governed by the law as it existed on
16-18 the date the offense was committed, and the former law is continued
16-19 in effect for that purpose. For purposes of this section, an
16-20 offense was committed before the effective date of this Act if any
16-21 element of the offense occurred before that date.

16-22 SECTION 39. This Act takes effect only if a specific
16-23 appropriation for the implementation of the Act is provided in a
16-24 general appropriations act of the 85th Legislature.

16-25 SECTION 40. This Act takes effect September 1, 2017.

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